

**REMARKS**

***Claim Amendments***

Method claim 24 has been newly cancelled above, without waiver or prejudice to Applicants' right to prosecute the subject matter thereof in one or more continuing applications.

No new matter is added by the above amendment, and entry thereof is believed to be in order, and is respectfully requested. Following entry of the above amendment, claims 14-23 and 25 remain pending in this application.

***Claim Rejections - 35 U.S.C. § 112, 1<sup>st</sup> Paragraph***

Method claim 24 has been rejected under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph on grounds that it is not enabled by the specification. While Applicants and the undersigned continue to disagree with the "reach through" argument upon which this rejection is based as not being supported by any statute, regulation or judicial decision, claim 24 has been cancelled only as an expediency to permit allowance of the remaining claims in this application. This cancellation is without prejudice to Applicants' right to prosecute the subject matter of claim 24 in one or more continuing applications.

***Obviousness-Type Double Patenting***

Claims 14-25 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent 6,632,820 and over claims 1-13 of U.S. Patent 6,593,326.

In order to expedite the prosecution of this application to allowance, Terminal Disclaimers are being filed herewith relative to the issued claims of U.S. Patent 6,632,820

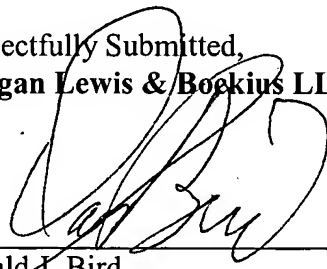
and U.S. Patent 6,593,326, thereby overcoming these grounds for rejection. The filing of these Terminal Disclaimers should not be interpreted or construed as an acknowledgment that any claims of the present application or of these patents are unpatentable, one over another. Applicants continue to maintain that the claims of each patent are patentably distinct from one another due to difference in substituents and/or the position of the various groups on the respective rings, as previously argued in parent application 09/763,705.

***Conclusion***

All ground for rejection having been addressed and overcome by the above amendment and arguments and the Terminal Disclaimers filed herewith, all claims are believed to be in condition for allowance, and a Notice to that effect is respectfully requested.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**



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